

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of Harbor Bay Community Development District was held on **Thursday, February 25, 2016 at 6:03 p.m.** at the MiraBay Clubhouse, located at 107 Manns Harbor Drive, Apollo Beach, Florida 33752.

Present and constituting a quorum were:

Bob Collins	Board Supervisor, Chairman
Bob Cribbs	Board Supervisor, Vice Chairman
Ned Carr	Board Supervisor, Assistant Secretary
Joe McNeil	Board Supervisor, Assistant Secretary
Kathy Dukes	Board Supervisor, Assistant Secretary

Also present were:

Matthew Huber	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping, Green & Sams, P.A.
Jamie Scarola	District Engineer, Scarola Associates Eng.
Raul Anaya	Club Director, Rizzetta Amenities
Mindy Anderson	Club Manager
Ashley Atkins	WTS

Audience members

**FIRST ORDER OF BUSINESS**

**Call to Order and Pledge of Allegiance**

Mr. Huber called the meeting to order and performed roll call confirming that a quorum was present.

The Pledge of Allegiance was conducted.

**SECOND ORDER OF BUSINESS**

**Audience Comments on Agenda Items**

Mr. Lockom commented on Supervisor requests.

HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT

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**THIRD ORDER OF BUSINESS**

**Consent      Agenda      Items/Business  
Administration**

- A. Consideration of the Minutes of the Board of Supervisors Regular Meeting held on January 28, 2016 as presented
- B. Consideration of Operation and Maintenance Expenditures for January 2016 (\$143,794.17)
- C. Consideration of Operation and Maintenance Expenditures for January 2016- Mira Bay Amenity Center (\$57,883.39)

On a Motion by Mr. Cribbs, seconded by Mr. Collins, with all in favor, the Board approved items A-C as presented for Harbor Bay Community Development District.

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**FOURTH ORDER OF BUSINESS**

**Presentation of Seawall Repair Project  
Requisitions #19-24, #25-29, # 30-34**

REQUISITION NO.	PAYEE	AMOUNT
Supp 19	Cardno, Inc.	\$2,419.25
Supp 20	Decks & Docks	\$81,297.65
Supp 21	Hecker Construction Company, Inc.	\$37,100.00
Supp 22	Hecker Construction Company, Inc.	\$96,584.00
Supp 23	Hopping Green & Sams	\$21,501.35
Supp 24	Langan Engineering	\$101,900.00
Supp 25	Cardno, Inc.	\$183.25
Supp 26	Hecker Construction Company, Inc.	\$157,222.00
Supp 27	Hecker Construction Company, Inc.	\$30,326.00
Supp 28	Hopping Green & Sams	\$15,343.58
Supp 29	Langan Engineering	\$65,018.87
Supp 30	Hecker Construction Company, Inc.	\$120,503.00
Supp 31	Hecker Construction Company, Inc.	\$53,837.00
Supp 32	Hopping Green & Sams	\$16,293.47
Supp 33	Langan Engineering	\$104,271.84
Supp 34	Scarola Associates	\$9,024.17

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On a Motion by Mr. McNeil, seconded by Ms. Dukes, with all in favor, the Board approved Requisitions 19-24, 25-29, 30-34 for Harbor Bay Community Development District.

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70 **FIFTH ORDER OF BUSINESS** **Club Manager**

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73 Ms. Anderson discussed the fitness equipment and what has been allotted in the Reserve  
74 Study or it. There are more pieces of equipment that are needed to complete the fitness circuit. The  
75 Board discussed waiting until the upcoming budget meeting before any purchase is made.

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77 **SIXTH ORDER OF BUSINESS** **Club Director**

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79 This report was discussed in the consent agenda.

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81 **SEVENTH ORDER OF BUSINESS** **Consideration of Bond Counsel**  
82 **Engagement Letters**

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84 The Board reviewed Nabors, Giblin and Nickerson and Greenberg Traurig's Engagement  
85 Letters for Bond Counsel. The Board accepted Nabors, Giblin and Nickerson as presented.

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On a Motion by Mr. Collins, seconded by Mr. Carr, with all in favor, the Board of Supervisors approved the Bond Counsel Engagement letter with Nabors Giblin & Nickerson for Harbor Bay Community Development District.

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88 **EIGHTH ORDER OF BUSINESS** **Discussion on Street Trees**

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90 Mr. Cribbs explained that the HOA has had several meetings regarding the street trees. He  
91 recommends appointing a CDD Supervisor to work as a liaison with the HOA. Ms. Dukes was  
92 appointed as liaison.

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On a Motion by Mr. Collins, seconded by Mr. Cribbs, with all in favor, the Board of Supervisors appointed Ms. Dukes as liaison in regard to the street trees for Harbor Bay Community Development District.

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95 **NINTH ORDER OF BUSINESS** **Update on Basketball Court Lighting &**  
96 **Resurfacing Agreement**

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98 Mr. Huber noted that TCM is on schedule for April. While the tennis courts are being  
99 worked on, the canopy and sidewalks will be closed. The Board discussed what can be done with  
100 the lessons that are already scheduled during that time. The Courts will be closed March and April  
101 and will reopen in May.

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110 TENTH ORDER OF BUSINESS

Staff Reports

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**District Counsel**

Mr. Earlywine discussed the need for a Special meeting, which will take place on Thursday, March 17, 2016 at 6:00 pm at the clubhouse.

**District Engineer**

Not present.

**District Manager**

Mr. Huber noted that a special meeting would be held on Wednesday, March 17, 2016 at 6:00 pm. The next regular meeting would be held on Thursday March 24, 2016. Mr. Huber explained that budget season is coming up and the Board will need to come up with a time to discuss.

125 ELEVENTH ORDER OF BUSINESS

Audience Comments

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Mr. Hatcher commented on the Seawall in regards to Option #3.

129 TWELFTH ORDER OF BUSINESS

Supervisors Requests

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Mr. McNeil asked for additional information regarding the retaining wall projects, including the linear footage for the wall repairs, and certain discrepancies that he believed exist between the emergency RFP responses and Langan's presentation. The Board also discussed reviewing the criteria for selecting between the new wall repair and rip rap repair at the March 24<sup>th</sup> meeting.

Mr. Carr asked for additional information regarding the new wall solution criteria, jet skis, navigation issues, and asked for a "gant" style chart to be prepared by Langan in connection with the master project.

Mr. Collins commented on the working relationship with Newland Communities.

143 THIRTEENTH ORDER OF BUSINESS

Adjournment

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On a Motion by Mr. Collins, seconded by Mr. Cribbs, with all in favor, the Board adjourned the meeting at 7:43 p.m. for Harbor Bay Community Development District.

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Secretary/Assistant Secretary

  
Chairman/ Vice Chairman

# **Exhibit A**

February, 25th 2016

Leadership is the ability to guide or direct a group. It takes courage to be a leader. It requires you to ask questions that you do not know the answers to. It makes you vulnerable and shows your weak points. But a leader will take those risks because it is the right thing to do. This Board will very shortly have to make a choice between two options that could have a difference in cost of \$5M to \$15M. Tonight I would like to find out who has the ability to lead.

Over the last two months I have asked this board to consider generating criteria to decide between option 1 and option 3 for the over 10,000 linear feet that Langan has said either solution is workable. I've brought it up at two meetings and sent two e-mails to each board member. The Board has an unavoidable delay with regards to selecting the construction company because the bid responses are not due until April. Therefore, the Board has a chance to start this discussion tonight. Let's see who wants to be a leader.

I have asked about our divided community and how the board plans on communicating to us to bring us back as one. Everyone is clearly aware of the vitriol being spewed on Nextdoor Mirabay. Some of the discussion has been deemed by the moderators to be inappropriate and too personal and has been taken down. A new Facebook forum was created to get around the moderators. An ethics charge was filed against the Chairman. Yet, this Board has refused to take any steps to bring the community together.

I met with Julie Guill for three hours yesterday to discuss our differences of which there are many but we had a civil discussion. We both concur that the division in Mirabay has to be curtailed. We also see eye to eye to work together to unify Mirabay. Unfortunately, Julie is on her way to Arizona and can't make it to the meeting tonight. We both agreed to help the Board any way we can to bring the community back together. It will take leadership from this Board to make that happen. Let's see who wants to be a leader.

I have asked about the chargeback for the coming special assessment and what will be considered a charge based on frontage and what will be a charge based on specially accrued benefit received. Florida Statutes 170.01 and 170.02 address this. It is a decision that the Board needs to make. It is a discussion that needs to start now. Having these discussions will show the neighborhood how complex the situation is. It will show the residents that the fix is NOT in. Let's see who wants to be a leader.

Over the past year, I have heard about every board member's frustration with how cumbersome the process is to get things done. There is a working group that we can't talk to directly. We have to go through Matt or Jere or Jamie or Langan. There are Florida Sunshine laws that make the process difficult. The agenda doesn't address these items to be discussed. Well, I have good news. Tonight we are in a public meeting so the Florida Sunshine Laws do not apply. You are all free to discuss these items. In addition it is on tonight's agenda: item 6 is Supervisor's requests.

I would like to see the three items of option 1 vs. option 3 criteria, communication to unify Mirabay, and the criteria for the chargeback be discussed tonight. It is of utmost importance that you all agree on **next steps** for each of the items so we can make progress and move forward to the March meeting.

Let's see who wants to be a leader.

Steve Lockom

5217 Brighton Shore Dr.